

Creating a Force for Peace Operations: Ensuring Stability with Justice

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The terrorist attacks on the United States on 11 September 2001 took the world by surprise. Yet the US military and its coalition partners were prepared to provide an effective response to international terrorism across the spectrum of capabilities. The military response has been measured and effective. Special operations forces and air assets took their toll on the Taliban and al Qaeda, and the role of conventional ground forces expanded to meet tactical and strategic requirements. In addition to supporting special operations forces in their direct strikes on terrorist organizations, conventional forces have two continuing missions: humanitarian relief operations, and the assurance of general security in order to enable post-conflict reconstruction in critical areas. Governments united in the war against terrorism are beginning to recognize these tasks as the same ones that have been required since the need to prepare to fight the massed armies of the Soviet Union fell away with the Berlin Wall. They are also the same peacekeeping tasks performed by military forces in the Balkans during stability and support operations there.

The US ability to participate in peace operations has become more important, not less so. Before the World Trade Center and Pentagon attacks, the Department of Defense had begun a strategy for reshaping the US military. As one might expect, defense policy now reflects an emphasis on homeland defense against the asymmetric threats to our national interests that flow from international terrorism; cyber-warfare; transnational organized crime; illegal migration; illicit trafficking in narcotics, weapons, and people; and the proliferation of weapons of mass destruction. Such threats are most likely to originate in regions with significant ethnic and religious turmoil. The world will not be safer, nor the homeland secure, if in fighting the immediate terrorist threat we allow the

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Balkans, Afghanistan, and other trouble spots to produce future threats to our security. Desperate people do desperate things. Desperate regimes seek financial and military support from terrorist organizations to remain in power. Osama bin Laden and his al Qaeda operatives found sanctuary in Sudan, Somalia, Afghanistan, and other countries with intractable internal conflicts.

The writings and rhetoric of the post-Cold War years have been prolific on the challenges faced by the sole surviving superpower. Indeed, the perils of such a position have become clear. While there is no certain way to negate America's vulnerability to hostile sentiment and actions, providing essential services to the international community and setting an example for other states to follow is the country's best bet. As the United States leads the way in the war against international terrorism, it will require near worldwide support in many forms—diplomatic, economic, and intelligence. It will be forced to address the concerns of other states and forced to provide international services, which ironically will ultimately benefit America's position in the world. No longer can the nation afford to be grudging in its attention to troubled regions and situations heretofore defined as distinct from the traditional geopolitical definition of vital interests. Like the Cold War, the current struggle and its requirement for post-conflict intervention and reconstruction is likely to preoccupy the United States for decades.

A New Approach to Conflict Intervention

Accordingly, the United States will need both new forces and a new approach to post-conflict intervention. It must and can maintain its warfighting ability while becoming more adept at integrating civilian actors and processes. The mission of the military remains one focused on security, yet in peace operations civilian actors also have a critical role to play in achieving sustainable security. The division of labor is not always clear, and in fact, the way forward is not to divide labor so cleanly that we erect firewalls between actors. Rather, the way

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forward was presaged by the international community’s experience in Kosovo. In his pre-departure press conference on 17 December 2000, Bernard Kouchner, the UN’s senior official in Kosovo, said the “lesson of Kosovo” was that “peace-keeping missions need to arrive with a law-and-order kit made up of trained police, judges, and prosecutors and a set of draconian security laws. This is the only way to stop criminal behavior from flourishing in a postwar vacuum of authority.”¹ Such a judicial package must be supported by effective military forces that can quickly subdue armed opposition, disarm opposing forces, perform basic constabulary tasks, and ensure that civilian law enforcement officers and administrative officials can perform their functions in an atmosphere of relative security. The import of Kouchner’s statement is twofold: all pieces of the security apparatus must work hand in hand to be effective; and the current doctrine for peace operations dictating a sequential, linear transition from intervention and peace enforcement through a period of stabilization to a final phase of institution-building is incorrect. Building rule-of-law institutions must begin as soon as the fighting stops.

From the first day that Task Force Falcon entered Kosovo as part of the larger NATO Kosovo Force (KFOR), American troops were confronted by a law-and-order mission they had not faced since the post-World War II occupation of Germany and Japan. US forces were immediately required to arrest local citizens for having committed major criminal offenses, to detain them, to provide judicial review, and to establish and oversee the functioning of prisons. They arrested and detained criminals who had destroyed homes and buildings and who had committed murder, arson, and rape. The perpetrators of these crimes threatened the viability of NATO’s mission, which was the establishment of a safe, secure environment, eventually leading to the withdrawal of NATO forces.

As Kouchner pointed out, the first step for the peacekeeping force is to break the cycle of impunity for those who commit criminal acts of violence. Stable democracies everywhere, including budding democracies in post-conflict states, must be rooted in the rule of law. Post-conflict states must provide their populations with security, stability, safety, and the assurance that transparent law enforcement and judicial processes provide the same protections and penalties for all citizens. They invariably need help in accomplishing this. Recent peace operations demonstrate that the international peacekeeping force has to make

immediate progress in this area; without it, the international engagement will be jeopardized by a loss of credibility and an entrenchment of organized crime, extra-judicial processes, and terrorist activities.

When appropriate international forces are not available to put an end to impunity and impose the rule of law, the result is a security gap that is both functional and time-oriented in nature. Between the deployment of military forces and the deployment of civilian police officers there is a period during which law enforcement capability (and judicial and penal capacity) is extremely limited. In Kosovo, the authorized number of UN police was not realized until 18 months after the establishment of the UN Interim Administration in Kosovo (UNMIK). Even at full strength, police progress was hindered by organized crime and other extra-legal entities. With the exception of military police forces, the US military is not normally trained or equipped to perform law enforcement functions. Addressing criminal activity and the rule of law requires a force that is structured, equipped, and trained to perform these tasks.

The Model for a US Force for Stability

The answer to the security gap in peace operations is within our grasp. An intervention force for stability operations should consist of four elements: robust military forces; police-constabulary units; civil police officers; and lawyers, judges, and penal system experts. Such a force would provide the capability required to achieve the primary objective of restoring stability to a region—establishing public order and assisting the local government to provide for its own security through the rule of law. Almost everything else can wait. Establishing priorities and rapidly moving toward sustainable security are essential in post-conflict assistance. Entrenched criminal organizations and processes have far greater stamina than international organizations and bilateral donors.

The first piece of the stability force model is the familiar one: robust military forces. Such a military presence is necessary to compel warring parties to cease hostilities and abide by the terms of any peace agreement, and to deter outbreaks of violence.

Second, the basic warfighting force should be augmented by military police and civilian constabulary units. Such forces straddle the military-civilian fence. Some of them, like France's Gendarmerie and Italy's Carabinieri, are responsible to the Ministry of Defense in times of war but perform domestic civilian law enforcement during peacetime. Others are of a completely military nature, such as the military police units in America's Army. Yet others are wholly civilian, such as the Bundes Grenz-Schutz, Germany's border guards. The benefits of employing constabulary forces rather than individual police officers or military units are many. Under normal circumstances they can deploy rapidly with much of their own transport, communications, and logistical support. They usually can respond to situations requiring greater use of force than civil police, such as crowd control

and area security. They also serve as a bridge between military and civil police forces and assume the tasks that are not clearly set in either camp.

Added to military and constabulary forces are the civil police of international organizations. In Kosovo, the UN has organized civilian police officers (UN CivPol) from all over the world into an armed force with executive authority—full police powers—to work side by side with military forces. In both East Timor and Kosovo, UN civil police have contributed greatly to the restoration and maintenance of public order. UN civilian police have proven to be effective at enforcing the law; facilitating the return of refugees; assisting with humanitarian relief; providing election security; monitoring the cantonment, disarmament, and demobilization of combatants; and training and monitoring indigenous police. Notwithstanding the length of time it takes to deploy, organize, and standardize civilian police from around the globe, as well as the fact that such officers are a limited commodity, UN civilian police officers provide a unique and invaluable service in post-conflict regions.

Last, there is a need for judicial and penal system experts to deploy immediately with other elements of a stability force. Following a period of violent conflict, the judicial systems of failed states often lie in ruins. Courthouses and detention centers may have been destroyed. Law books and legal codes may no longer exist. Judges, prosecutors, and court administrators may have disappeared or may be too intimidated to serve. While having an effective international civilian police force is essential, it cannot operate in a vacuum created by the absence of the other two parts of the justice triad, courts and prisons. The most immature of democracies requires that those arrested be processed by a functioning judicial and penal system; without that, the restoration of public order is immediately compromised. In the long run, the absence of a fair judicial and penal system results in a failure to provide a sense of justice for the victims of war crimes, human rights violations, and other criminal activities, and that sense of justice is essential to achieving sustainable security. As a result of recent peace operations, we now have a cadre of legal, judicial, and penal experts with experience in rebuilding judicial systems.

At the outset of a peace operation, all of these elements—military, constabulary, civil police, and judicial and penal experts—should be deployed together. The initial deployment of forces will certainly be predominantly military and should look like a traditional military combat-ready force, but it also should contain civilian constabulary and military police units, attached civil police officers, and lawyers, judges, and corrections experts. The military deters threats to the general security situation. Constabulary forces, employed as structured units, perform the constabulary tasks required to overcome general lawlessness. Civil police officers immediately begin assisting in organizing and monitoring local law enforcement agencies and take on an increasing amount of the law enforcement tasks as their numbers increase. Lawyers, judges, and corrections experts go to work immediately in areas secured by the military to ensure that an interim

criminal code is in place, that courts can function in a rudimentary way, and that detention facilities are provided. All elements initially fall under military control, as unity of command in the initial phase of an operation is paramount. However, civilian control of civilian elements should occur as soon as possible.

The European Response

While the United States has been questioning the propriety of its involvement in peace operations, regional organizations in Europe have been creating the capacity to assist post-conflict societies to reestablish public security and the rule of law. With peacekeeping operations in the Balkans occurring on their doorstep, Western European nations began organizing the forces necessary to more quickly close the security gap in future crises.

By 2003, the European Rapid Reaction Military Force will be augmented by a force of 5,000 civilian police (including constabulary units) that will be available on short notice for peacekeeping duties. The European Union (EU) currently has 3,600 police officers in peacekeeping roles, including gendarme units serving with the Stability Force (SFOR) in Bosnia and KFOR in Kosovo. In addition to these experienced veterans, the EU police force will have a rapid reaction capability to deploy 1,000 police (including gendarme units) within 30 days. The EU is also creating a ready roster of legal and judicial experts that would be able to assist with reestablishing the other parts of the justice triad of police, courts, and prisons.²

At its Heads of State or Government Summit in Istanbul in November 1999, the Organization for Security and Cooperation in Europe (OSCE) announced its intention to create the capacity to field Rapid Expert Assistance and Cooperation Teams (REACT), which would include international civilian police. The REACT concept called for the creation of national “ready rosters” by OSCE member states that would enable the OSCE Crisis Management Center to deploy civilian and police experts to assist with pre-crisis management and post-conflict reconstruction in failed states. The plan called for the identification of 500 civilian police officers, as well as human rights, judicial, and other experts, who would be available for future peace operations.³

Creating a US Force for Stability

Contemplating the creation of a US “force for stability” would not be out of step with a literal reading of the current DOD planning guidance. The goal is to develop a military that can ensure the security of the United States against asymmetric attacks, decisively win one major war, swiftly defeat a second adversary, engage in peace operations, and invest in new technologies all at once. To get there, DOD guidance establishes four pillars: pursue joint warfighting to the highest degree; exploit US advantages in technology to create a full-spectrum force that is responsive and dominant across the full spectrum of operations; explore new approaches to the conduct of war; and remain prepared to exploit opportuni-

ties arising from a culture of innovation. The message is clear: there are new threats; we need new approaches and new forces. "Transformation" is what we call the path to achieve our goal. It is an all-encompassing series of initiatives that will make the force more deployable, agile, lethal, sustainable, and survivable.

There are many initiatives associated with Army transformation. A highly public and significant example is the development of the Stryker Brigade Combat Teams (SBCTs), six of which are to be operational by the end of the decade. The teams' primary combat system is the Stryker, a wheeled, armored, C130-transportable combat vehicle capable of operating along the full spectrum of military operations. An SBCT's nearly 1,000 dismounted infantry and its organic intelligence battalion give it adaptability and situational awareness to match its speed and firepower.

The fielding of this combat system will provide us a unique opportunity to develop an integrated capability to address post-conflict security. At this time, however, it does not appear that the SBCTs will be trained or equipped to address the general lawlessness that NATO forces have found to exist at the beginning of a stability operation, when the most serious security challenges may come from ex-combatants who are dissatisfied with the political settlement and from civilians who are taking advantage of the security gap to engage in illegal activity for personal gain. In fact, there is no Army transformation initiative that is aimed at advancing this capability.

To deal with riots, looting, and other forms of civil disorder, a US force for stability should include a significant constabulary capability, such as US military police (MPs), which have proven their skill in dealing with public security situations. Adept at interacting with civilians, military police are trained to use the minimum amount of force necessary to accomplish their mission, often in very ambiguous situations. They readily accept missions where the objective is not victory, but stability. Given similar success stories involving other constabulary forces included in the NATO forces, KFOR commanders increasingly agree that police skills are needed in places such as Kosovo. But military police assets within the US ranks are a scarce commodity, and they have the highest of operational tempos. The Army not only needs more of them, but needs to have them integrated more completely within the total force structure. However, it does not appear likely that more MP units will be added to the structure; the Army is moving away from specialized units, toward forces trained and equipped to operate along the entire spectrum of conflict. The Stryker Brigades could easily be adapted for a constabulary role, provided their soldiers have received the proper training, and their small-unit leaders include NCOs and commissioned officers skilled in dealing with civilians. And, of course, we need the right numbers. A policy that recognizes the Army is going to participate in post-conflict situations as a critical part of its function will require an initial outlay of resources.

The addition of a constabulary capability, regardless of form, to the capabilities already contained in the potent SBCT mix would give the intervention

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force vastly improved flexibility in the use of armed force during the initial phase of the stability operation. Through example and deed, we would also foster a rapid and seamless transition to the tailored, cost-effective forces and sustainable actors required to normalize the state or region; these are usually civilian and multinational. US brigades would be more quickly returned to the business with which they are more comfortable and better suited.

Requirement for a Civilian Component

The addition of constabulary forces would extend the spectrum of the conventional military's capacity to effectively maintain public order. But many of the public order tasks conducted by the constabulary elements should seamlessly and quickly transition to civilian law enforcement personnel. Constabulary forces should be left only with those tasks that require the robustness of organized law enforcement units, tasks such as critical and religious site security, crowd control, and patrols in problematic population centers. Military police, or forces augmented with a constabulary capability, have the basic technical skills to support law and order. They cannot serve as role models for indigenous civilian police, however, nor should they engage in the patient work of criminal investigation or local law enforcement. US law prohibits American military training of foreign civilian police, and both Congress and common sense require the use of US civilian law enforcement experts to serve as role models for indigenous police. Failure to deploy an international civilian police force with executive authority to enforce a basic criminal code will result in prolonged and potentially inappropriate deployment of military and constabulary forces.

Introduction of a civil police component into a US force for stability would build upon experiences with international civilian police missions in Haiti, Bosnia, Eastern Slavonia, Kosovo, and East Timor. Since 1994, when the first contingent of American civilian police participated in the International Police Monitoring Force in Haiti, the United States has become the largest contributor of police officers to international police missions, with nearly 770 officers in the field.⁴ The growth in the number of US police officers serving in peace operations has been both extremely rapid and ad hoc. The US Civilian Police

(CIVPOL) program has no statutory authority and is funded by annual appropriations. Under Presidential Decision Directive 71, the Clinton Administration assigned responsibility for fielding US contingents for international police missions to the Department of State.⁵ In turn, the State Department has outsourced responsibility for the recruiting, training, and logistical support of CIVPOL contingents to a commercial contractor. Police officers participating in US CIVPOL contingents are independent subcontractors of this commercial firm. The United States is the only country to use contractors of a commercial firm as police officers for its CIVPOL contingents.

Creation of a federal US Civilian Police Corps that would be an effective partner for military forces in stability operations would require new legislative authority assigning responsibility to a federal law enforcement agency. This agency would be empowered to recruit both active duty and retired officers, swear them into temporary federal service, and provide for their pay, insurance, transportation, equipment, and logistical support. It also would provide an effective voice for the police program in the interagency process, freeing the State Department to concentrate on related foreign policy issues and diplomacy. This would place US CIVPOL contingents on a par with those of other nations and would give the federal government the control it currently lacks over American CIVPOL officers who now wear US uniforms, carry weapons provided by the US government, and have authority to use deadly force—but who work for a commercial contractor. The organization's availability for on-call uses in homeland defense also should be examined.

As for the judicial component, the bad news is that there is presently no international mechanism to facilitate and coordinate efforts of the United States and the United Nations to rehabilitate judicial and penal systems. The better news is that Presidential Decision Directive 71 instructed the State and Justice Departments and the Agency for International Development (USAID) to establish a partnership to enable the United States to intervene immediately to provide assistance to the criminal justice sector during peace operations. The concerned agencies recommended establishing a Contingency Criminal Justice Task Force to be located within the USAID's Center for Democracy and Governance. The task force would assess, plan, and implement programs to rapidly establish functioning judicial systems in post-conflict societies. Such assistance would initially focus on developing rudimentary judicial and penal capacity and legal code reform. It also would help create legitimate state institutions necessary for long-term stability.

In its August 2000 report to the Secretary General, the UN Panel on United Nations Peace Operations (the Brahimi Report) called for a "doctrinal shift" in the use of international civilian police in peace operations and for UN judicial, penal, and human rights experts to work with the police in a "coordinated and collegial manner."⁶ The report noted that in modern peace operations, UN civilian police must be able to monitor and train local police, as well as respond to

civil disorder and provide for self-defense. In addition they must work in concert with judicial and penal experts to bring offenders to justice and ensure their incarceration under humane conditions. The report recommends creation of a new unit within the UN Department of Peacekeeping Operations staffed with legal experts to advise UN peace operations on criminal justice issues. It also calls on member states to create ready rosters of judicial and penal specialists who would be ready for rapid deployment in peacekeeping missions and for member states to coordinate such efforts on a regional basis. Member states have agreed, in principle, that the idea is sound.

Creation of a US force for stability is consistent with statements by senior officials in the Bush Administration and expressions of congressional interest in creating effective US forces to handle peacekeeping missions. Even before taking office, National Security Advisor Condoleezza Rice said the incoming Administration would “think hard” about developing forces to perform police functions and might replace soldiers with international police to perform peacekeeping missions.⁷ Secretary of Defense Donald Rumsfeld told European defense ministers in Brussels on 18 December 2001 that NATO forces in Bosnia should be replaced by an armed European constabulary unit that would deal with organized crime.⁸ Such Administration thinking seems to parallel similar thoughts in Congress. The United Nations Rapid Deployment Act of 2001 (HR 938), which was introduced by Representative James McGovern with 17 cosponsors, calls for the President to help establish a UN Rapid Deployment Police and Security Force, utilizing the Stryker Brigade Combat Teams as part of Rapid Deployment Brigades.

Conclusion

In his book *Waging Modern War*, General Wesley Clark, former Supreme Allied Commander in Europe, described the tactics employed by SFOR in Bosnia as “a modern way of war” by “using forces, not force.” Clark states that NATO forces were not at war in Bosnia, but did everything military forces do short of firing their weapons. This included deploying troops and using intelligence, presence, movement, observation, and intimidation to influence events. Clark concludes that in modern war there are:

requirements for police activities, ranging from investigating crime through reaction to civil disturbances and urban violence. Most militaries are simply not capable of performing such functions effectively and should not be the primary element responsible for them. Nations will have to create a full range of deployable, robust police-type capabilities as well as provide a legal and judicial structure to support their responsibilities.⁹

A US force for stability would have this capacity. With the inclusion of military, constabulary, police, and judicial personnel, this force would in fact have full-spectrum capability to enforce peace and to maintain stability through introduction of the rule of law.

In summary, creation of a US force for stability would:

- Join together all of the elements required to effectively achieve sustainable security under a single, unified authority.
- Close the security gap that has plagued previous peace operations by providing for a smooth transition from warfighting to institution-building.
- Establish police and judicial authority from the outset, thus freeing the military to perform its functions and speeding the withdrawal of military forces.
- Establish the rule of law as a platform from which the other aspects of political, economic, and social reconstruction could go forward in an environment conducive to achieving success.
- Provide the United States with a force that could partner with similar forces organized by the European Union, the OSCE, and possibly other regional organizations.
- Allow the United States to support much-needed UN reform by contributing a force that could assist the UN in meeting its responsibilities for international peacekeeping as envisioned in the Brahimi Report.

We must quickly reestablish stability in troubled and dangerous regions, and this is dependent on a seamless transition from warfighting to civil-military operations focused on public security. The essential prerequisites are joint, inter-agency cooperation, as well as a recognition by the key players that their contribution to national security may be changing form. In our prosecution of the war on terrorism, the United States has stated that we are prepared to bring the fight to any party that threatens the security of the United States. We must also be prepared to bring stability through justice.

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